

EXHIBIT G



CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT

Offender Name: NICKERSON, MICHAEL V.

CDC#: F77522

Date: 04/23/2021

Current Location: SQ-Facility A

Current Area/Bed: A NB 5066001L

From: Office of Grievances at San Quentin State Prison

Re: Log # 000000111280

The California Department of Corrections and Rehabilitation Office of Grievances at San Quentin State Prison received your grievance on 04/23/2021. Your grievance has been assigned for review and response.

Pursuant to California Code of Regulations, title 15, the Office of Grievances will complete its review no later than 06/23/2021.

Please be informed that the Office of Grievances will not respond to any inquiries about the status of a grievance prior to the date shown above.

Once you receive a response and if you are dissatisfied with the decision(s), you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.



CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: NICKERSON, MICHAEL VAUGHN

Date: 06/05/2021

CDC#: F77522

Current Location: SQ-Facility A

Current Area/Bed: A NB 5 - 066001L

Log #: 000000111280

Claim #: 001

Institution/Parole Region of Origin: San Quentin State Prison

Facility/Parole District of Origin: SQ-Facility A

Housing Area/Parole Unit of Origin:

Category: Offender Classification

Sub-Category: Housing Assignments

I. CLAIM

On March 03/01/2021 OOA Reviewed your Claim of Inmate Grievance Log Number 55802. OOA determined there were two claims within the grievance, one of which was an allegation the bed move requested by staff was made in retaliation for the appellant filing a Habeas Petition for contracting COVID.

As per instruction of OOA a new Grievance Log Number was issued (log number 111280) to address this claim that was not adequately addressed within Grievance Log Number 55802.

You claim on September 10, 2020 at approximately 1030 hours you were woken up by Correctional Officer Lupercio and were advised you were moving to Badger unit located within South Block of San Quentin State Prison. You allege you were selected to move to Badger as retaliation for filing a Habeas Petition for contacting COVID.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

California Code of Regulations (CCR), Title 15
Section 3084.1. Right to Appeal

California Department of Corrections Operational Manual (DOM)
Article 53 Inmate/Parolee Appeals

B. DOCUMENTS CONSIDERED

The reviewer considered SOMS RVR # 7028726, dated September 10, 2020.

Reviewer Considered Bed Move Requests submitted within SOMS on September 10, 2020

III. REASONING AND DECISION

On May 4, 2021 you were interviewed in regards to grievance log number 111280 and the allegation of retaliation by custody staff on the basis of you filing a habeas petition. During the interview you were advised the interview was based on this specific allegation, to which you stated "I felt it was retaliation at the time." The fact gatherer asked for clarification on the statement. You stated "well I don't know if it was any more." Fact gatherer asked if you had any indication there was a link or nexus between your filing the petition and receiving the bed move to Badger. You stated "No." Fact gatherer clarified there was no indication the two were linked. You stated "no, no-one made any statements." You further stated you only felt that way due to the timing of filing the petition and receiving a bed move. During the interview you could not provide any evidence of a co-relation between the submission of the petition and the bed request which resulted in a rules violation report for your refusal to accept housing.

Review of Strategic Offender Management System (SOMS) bed move requests submitted on September 10, 2020 at San Quentin State Prison shows Officer T. Vang submitted a bed batch request which was reviewed and authorized by Sergeant R. Ojeda for North Block inmates to move to Badger Unit within South Block. This bed request indicates twelve (12) other inmates who were directed to move and had accepted the bed transfer to Badger section.

Housing requests during this time period were under the direction of Medical and Administration staff. This direction was for the safety of the inmates, staff, and institution. The attempt to carry out these requests by custody staff was in the attempt to mitigate the risks of COVID 19.

Your claim the bed move and Rules Violation Report was in retaliation to filing a petition against CDCR for contracting the COVID-19 virus was unsubstantiated. There is no evidence staff acted outside the scope of their authority to effect a bed move within the institution. Furthermore there is no evidence to support the claim staff targeted you for the bed move.

This Claim is disapproved, the allegation of staff retaliation is unsubstantiated.

Decision: Disapproved

After a thorough review of all documents and evidence presented at the Office of Grievances Level, it is the order of the Office of Grievance to DISAPPROVE the claim.

If you are dissatisfied with the decision of this claim, you may file a 602-2, appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Staff Signature	Title	Date/Time
N. Avila [AVNI001]	AW	06/04/2021